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A REVIEW OF UNICEF POLICIES AND STRATEGIES ON CHILD PROTECTION

SUMMARY

The present review begins with an executive summary and a brief introduction. Chapter I describes the background of UNICEF concern with child protection, while chapter II reviews UNICEF experience during the 10 years of application of its 1986 policy on behalf of children in especially difficult circumstances. An analysis of the causes and the identification of circumstances requiring special protection measures are contained in chapter III. Chapter IV addresses the issues of programming and advocacy for special child protection, including the situation analysis, programme goals and objectives, programme strategies, programming and advocacy at the country level, supportive actions at regional and global levels, and monitoring and evaluation. The organizational implications for UNICEF are detailed in chapter V. A recommendation for Executive Board approval is contained in chapter VI. A description of the work of the Committee on the Rights of the Child is found in the annex to the present review.

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EXECUTIVE SUMMARY

In the 10 years since the UNICEF Executive Board established an organizational policy on behalf of children in especially difficult circumstances (CEDC) (see E/ICEF/1986/L.3 and E/ICEF/1986/12, decision 1986/12), world-wide awareness of problems such as child exploitation, abuse and abandonment has grown, as apparently has the number of children affected. Many such problems are the outcome of failed or inequitable development processes, while others are caused by the organized violence that has overtaken certain countries and regions.

Simultaneously, the movement on behalf of child rights - with which UNICEF became identified in the late 1980s - achieved the adoption and near universal ratification of the Convention on the Rights of the Child. The UNICEF Mission Statement (E/ICEF/1996/12 (Part I), decision 1996/1) affirms that its work on behalf of children should be guided by the principles and standards established by the Convention for the overall protection of childhood.

The present policy review addresses the question of the UNICEF response to circumstances and conditions that cause gross violations of the rights of children, subjecting them to serious risks and hazards. The review moves beyond the idea of "children in especially difficult circumstances" as describing certain categories of children in need of additional services to the idea of "especially difficult circumstances" and the need of "special protection measures" as an important perspective for designing UNICEF programmes of cooperation. The broad, often overlapping, categories of circumstances that put children in special disadvantage include: (a) disabling child labour; (b) war and other forms of organized violence; (c) sexual abuse and exploitation of children; (d) childhood disabilities; (e) loss of family and primary caregivers; and (f) deficient laws and juvenile justice system.

The review recognizes that gross violations of children's rights often correlate with typical poverty indicators such as low family income, high child morbidity and illiteracy, but frequently the effects of the standard poverty indicators are exacerbated by other calamities to create special hazards for children. It adopts the concept of "special protection measures", formulated by the Committee on the Rights of the Child, to describe the actions required to redress special vulnerabilities of children so as to enable them to enjoy all of their rights.

The present review proposes measures for mainstreaming sectoral programmes so that they reach and serve children who are at special disadvantage. It also suggests that specific targeted programme activities and advocacy measures be designed and implemented as needed. Adapting various possible programme measures into a coherent programme of cooperation in a country setting will depend on the assessment of problems and needs, the comparative advantage of UNICEF in the country, and the actions of other partners and allies. The review underscores the experience during 10 years of application of the 1986 CEDC policy. It emphasizes the importance of learning and exploring, in cooperation with governmental, intergovernmental and non-governmental partners, to find effective ways of protecting children at special disadvantage.

INTRODUCTION

1. Since its adoption by the United Nations General Assembly in 1989, the Convention on the Rights of the Child has passed into international law and has been ratified by 187 States Parties. During that period, the Convention has become an increasingly important source of guidance for UNICEF work. The principal early role of UNICEF in relation to the Convention was to disseminate information concerning its provisions and to promote its ratification. But the near-universal acceptance of this set of minimum standards concerning childhood led UNICEF to consider its role in the implementation of the Convention, an evolution officially begun with a report on the "Role of UNICEF in the implementation of the Convention on the Rights of the Child" (E/ICEF/1991/L.7) submitted to the Executive Board at its 1991 regular session. The report called for the development of programmes of cooperation with Governments aimed at putting the provisions of the Convention into effect.

2. The new rights perspective is recognized in the UNICEF Mission Statement, which was adopted on 22 January 1996 by the Executive Board at its first regular session (E/ICEF/1996/12 (Part I), decision 1996/1). The statement describes UNICEF as "guided by the Convention on the Rights of the Child", with policies and programmes that embed the principles of the Convention throughout. In fact, while the Mission Statement represents the first formal expression of the commitment of UNICEF to programming and policy-making based on children's rights, the evolution has been under way informally within UNICEF for some years. The present review of UNICEF policies and strategies is the first to be presented to the Executive Board since the adoption of the Mission Statement. It therefore opens a new era in terms of translating into active UNICEF policy these new guiding principles.

3. All the implications of approaching UNICEF work from the perspective of children's rights have yet to be fully absorbed and given institutional expression. Factors to be considered and incorporated as the new rights-based approach of UNICEF evolves include: (a) the extension of UNICEF concern to children everywhere; (b) the broadening of focus from infants and young children to those ranging up to 18 years, the age defined by the Convention as the outer limit of childhood; and (c) the application, in any analysis or action, of the Convention's principles - non-discrimination, "the best interests of the child", and children's participation in the decisions and actions that affect them.

4. The purpose of the Convention can be described as the overall protection of childhood. Its principles and articles cover all children at all times; there is no hierarchy of provisions whereby the right to education, for example, transcends the right to protection from sexual exploitation, or vice versa. However, the Convention recognizes that there are varying degrees of risk and hazards for children. It guarantees all children protection against physical, psychological or moral injury in the form of abuse, exploitation, abandonment or neglect. Certain articles of the Convention also cover the child's rights to special protection in the context of war or forced migration, in situations where the child is in conflict with the law and in cases of disability. Provisions in Articles 19-23 and 32-40 specifically state that children are "to be protected from" abuses, including economic and sexual exploitation or illegal adoption; and that they are "to be provided with" services such as

rehabilitative care from the effects of torture, abuse or armed conflict, and special entitlements when they are without families or when their families fail in their responsibilities. The Committee on the Rights of the Child, the monitoring body for the implementation of the Convention, has developed the concept of "special protection measures" as a guide for action in these areas by States Parties.

5. The present review is concerned specifically with actions to protect children from the conditions or risks of gross exploitation, abuse, abandonment and other circumstances that place children at special disadvantage - situations termed "especially difficult circumstances". The underlying premise of work in this area is that protecting children from circumstances of extreme hazard and high risk, and enabling them to enjoy all of their rights, require special efforts and additional measures beyond general programmes and policies for meeting the needs and fulfilling the rights of all children.

I. BACKGROUND OF UNICEF CONCERN WITH CHILD PROTECTION

6. During the International Year of the Child (IYC) in 1979, a climate of increased awareness and concern about vulnerable children evolved, mainly at the instigation of child-focused non-governmental organizations (NGOs). Certain especially difficult circumstances - exploitation, abuse, prostitution and life on the streets - were lifted, for the first time, out of a philanthropic backwater and placed on the public policy agenda. Although many Governments in industrialized as well as developing countries had previously been unwilling to admit that such problems existed, with IYC they began to acknowledge the problems and to seek help in taking the necessary steps to resolve them.

7. The first category of special disadvantage to be addressed within the context of UNICEF policy development was childhood disability in 1980 (see "Childhood disability: its prevention and rehabilitation - note and recommendations of the Executive Director" (E/ICEF/L.1411)). Also around 1980, work began in the Latin American and Caribbean region to support NGOs working with street children. In 1984, the first "Days of Tranquillity" took place in war-torn El Salvador, establishing the concept that children should be seen as zones of peace, at least during a period long enough to carry out an immunization campaign. Also in 1984, the UNICEF Executive Board requested that the issue of children in situations of special disadvantage be examined more closely. This led to the adoption of the UNICEF policy for children in especially difficult circumstances in 1986 (E/ICEF/1986/L.3 and E/ICEF/1986/12, decision 1986/12).

8. The 1986 policy review paper analysed the situation of children in especially difficult circumstances under three headings: children in armed conflict; working and street children; and child victims of abuse and neglect. It also laid down principles to cover programming for children in especially difficult circumstances and made recommendations for UNICEF activities at country and global levels. The principles included ensuring that programmes (a) were implemented in close cooperation with a variety of partners, especially in the NGO and private sectors; (b) respect the integrated physical, mental, emotional, spiritual and social development of the child; (c) reinforce family

and community solidarity and initiative; and (d) should aim to ensure that existing services, such as health, education and social services, extend to reach children in especially difficult circumstances. The recommendations dealt with the needs for situation analyses, advocacy, the dissemination of information, capacity-building, monitoring and evaluation, and other regular features of UNICEF programme activities. Much of the policy is still valid.

9. With increased awareness of childhood vulnerability came the initiative to draft a Convention on the Rights of the Child. Work on the draft proceeded under the guidance of the United Nations Commission for Human Rights, driven in large part by certain Governments and NGOs. Beginning in 1986, UNICEF also threw its weight behind the Convention drafting process (see E/ICEF/1986/12, decision 1986/21). The adoption of the Convention in 1989 and its swift passage into international law are landmarks in the ascendance of the children's cause. Together with the Declaration and Plan of Action of the 1990 World Summit for Children, the Convention established an agenda for children for that decade and beyond.

10. Since 1991, UNICEF has supported the work of the Committee on the Rights of the Child (see the annex) by providing technical assistance to States Parties engaged in the reporting process. UNICEF also has collaborated with other United Nations agencies, including the International Labour Organisation (ILO), the World Health Organization (WHO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the Office of the United Nations High Commissioner for Refugees (UNHCR), to support additional initiatives on behalf of children, and has played a role in implementing various child-related United Nations resolutions. For instance, UNICEF is providing critical support to the comprehensive United Nations study on the situation of children affected by armed conflict.

11. The complementary roles of the World Summit for Children goals and the Convention were highlighted in the early 1990s after reflective and analytic work undertaken by the International Child Development Centre in Florence. At the same time, as public interest in children's issues grew in industrialized countries, National Committees for UNICEF increasingly became involved in the international dimensions of child protection issues, and they looked to the Convention as the framework for public debate in their own countries.

12. A review of UNICEF policies and strategies in child protection has become necessary at this time for several reasons. First, in the 10 years since the previous articulation of policy towards children in especially difficult circumstances, UNICEF has developed a better understanding of the issues and how to reach children in special disadvantage more effectively. Second, there has been an extraordinary rise in public awareness of and interest in these issues. Third, as public perceptions of the problems grow in developing and industrialized countries alike, the numbers of children affected appear to be growing as well. Fourth, an increasing number of Governments have stated their willingness to act with UNICEF cooperation to rectify the circumstances that place children at particular disadvantage. This trend is revealed by the States Party reporting process on implementation of the Convention, which is overseen by the Committee on the Rights of the Child. Finally, the formulation of a policy relating to the fulfilment of children's rights to protection will assist

UNICEF in developing a child rights approach to overall programming and advocacy at country and global levels. The review, therefore, is a contribution to evolving ideas and practice of UNICEF in this field.

II. IMPLEMENTATION OF THE CHILDREN IN ESPECIALLY DIFFICULT CIRCUMSTANCES POLICY, 1986-1996

13. The 1986 policy paper and the resultant Programme Directive (CF/PD/PRO-1986-004) provided a starting point for formal UNICEF action in this field. The emphasis during the late 1980s and early 1990s was still placed primarily on child survival, health and, after 1990, education. Few human or technical resources were devoted to children in especially difficult circumstances at UNICEF headquarters. With some notable exceptions, where programmes were made possible through supplementary funds, resources also were generally scarce at regional and country levels. In most country programmes and regional offices, CEDC activities were regarded as a programmatic add-on.

14. Certain UNICEF country offices, including Brazil, Bolivia, Kenya, Mozambique and the Philippines, pioneered the integration of the principles of the Convention on the Rights of the Child into situation analyses and country programmes. The belief emerged that work on children's rights required something more systemic than merely the addition of children in especially difficult circumstances as a programme category or the promotion of the ratification of the Convention. Simultaneously, it was recognized that issues of children in especially difficult circumstances had implications more profound than had earlier been perceived. The circumstances that allowed gross violations of children's rights required more than additional services or increased advocacy. The numbers of children affected and the nature of their many predicaments often denoted generic and structural problems within society at large, and these had important implications for UNICEF programmes. Some valuable initiatives were undertaken by UNICEF at the country level, and from these, the following useful lessons have been learned:

(a) Lessons in situation analysis. In some countries, notably those in Latin America, UNICEF gained its first experience in the area of children in especially difficult circumstances from programmes for children on the streets. This early work led to the recognition that many basic assumptions were faulty, including the widely-held belief that a high proportion of street children are parentless or homeless. Methods for analysing the situation of other especially disadvantaged children were developed and published by the UNICEF Regional Programme for CEDC in Latin America and the Caribbean (e.g., No. 6, "Methodological Guide on Situation Analysis of Children in Especially Difficult Circumstances", 1988). The expanding knowledge of UNICEF soon led to the revelation that data were inadequate in almost every area, a revelation that reflects public and political sensitivities about children in especially difficult circumstances and concerning children and youth who were at odds with the law;

(b) Lessons in programming. The complexities surrounding issues of children in especially difficult circumstances require innovative approaches to programming. In Guatemala, India and the Philippines, for example, preventing

children from being expelled from their families onto the street required strengthening basic services. Programmes in health and education were combined with income generation for families in specific geographic areas and interventions for children, such as organized recreation. In conjunction with these preventive programmes for families, intensive outreach and street education programmes were implemented for those children already living on the street;

(c) Lessons in partnerships. Addressing circumstances that put children at disadvantage required a multi-pronged, multisectoral programme approach. Because the principal government sector involved - ministries of social welfare - could not solve such pervasive societal problems alone, new ways of working with NGOs and community-based organizations emerged. The judicial branches of Government, youth organizations, women's groups and others were identified and mobilized as partners. Building the capacities of organizations within civil society to help strengthen and support children's social structures - their families and schools - is the next crucial stage of programme and advocacy work in the area of child and adolescent protection;

(d) Lessons in advocacy. Many Governments are sensitive to publicity about such issues as child prostitution, child labour, sex trafficking or abusive practices in juvenile justice systems. However, it has been observed that creative tensions between Governments and the NGOs concerned with child rights may help to raise public awareness and influence public policies. Adopting global positions on specific rights violations is difficult since a measure that is appropriate in one context may be inappropriate in another. Care must be taken to avoid succumbing to pressure from the media, donors and activists to take public positions that are not grounded in the proper understanding of complex issues or well-researched information;

(e) Lessons in monitoring and evaluation. There are no universal indicators to measure the exposure of children in especially difficult circumstances to risks, nor to measure the impact of those risks on the child's development. Each specific situation requires an understanding of the interplay of different variables. In the absence of clear concepts and appropriate methods to establish reliable baseline data, quantifiable goals in the area of CEDC have not been determined. Work on the identification of appropriate indicators suggests that agreed criteria for risk analysis need to be developed based on broadly accepted minimal standards for assuring the well-being of children.

III. ANALYSING CAUSES AND IDENTIFYING CIRCUMSTANCES REQUIRING SPECIAL PROTECTION MEASURES FOR CHILDREN

15. The growing phenomenon of circumstances that place children at special disadvantage has to be seen in part as a product of the development process gone awry. Many especially difficult circumstances derive from failed or inequitable development processes, or from processes disrupted by war or other calamities, including the advent of AIDS. Underlying causes include rapid urbanization; the social impact of the globalization of the economy; the "new poverty" generated both by the economic problems of the 1980s and their antidote - structural

adjustment; the application of market forces in social policy; and endemic conflicts associated with the end of the cold war. The social outcomes of these trends include widespread population dislocation; increased urban stress and urban squalor; family disintegration and fragmentation; increased numbers of female-headed households; the absorption of women and children into servile and unregulated employment; the disaffection and alienation of youth, especially in countries with stagnant economies; and an increase in the numbers of children without families.

16. The capacity of UNICEF to deal with systemic discrimination or the structural causes of depredation of children is limited. However, its effort to tackle the immediate and direct obstacles to children's well-being and the fulfilment of their rights has to be fully cognizant of the deeper causes. Efforts must be combined, as much as possible, with advocacy, policy dialogue and alliance-building in support of structural and attitudinal changes in society.

17. Gross violations of children's rights frequently correlate with typical poverty indicators, such as low family income, high morbidity and illiteracy. However, the essential point is that these are additional to the standard poverty indicators. It is the combination of both sets of circumstances - those requiring survival and development measures and those requiring special protection measures - that create "especially difficult circumstances" for children. Since the elaboration of the 1986 CEDC policy, there has been considerable debate about the categorization of children under this heading and whether this helped programming. The continuing use of the descriptor "CEDC" and the categorization of children into such groups provoke concern among many experienced activists and practitioners who contend that they can lead to labelling. To define children by the circumstances that have negatively affected them is to characterize them as deviant from social norms instead of recognizing that they are victims of socially deficient structures and policies. At the same time, labelling is said to be disliked by the children themselves because it reinforces negative social attitudes towards them.

18. However, it is difficult to avoid the categorization of children in especially difficult circumstances for purposes of coherent analysis and programmatic design. The categorization offered here is intended to help in the development of a perspective for assessing the different especially difficult circumstances in which children live and for arriving at appropriate programming to meet the needs for special protection measures.

19. The broad categorization proposed is one that highlights the circumstances imposed on children that put them at special disadvantage. The categorization is as follows:

(a) Circumstances of disabling child labour: economic exploitation and any other circumstance under which children perform paid or unpaid work that might be directly detrimental to their development, or that might prevent them from exercising their other rights, including the rights to education, health and leisure. Circumstances of abusive and disabling child labour are found in the formal and informal work sectors, including the streets, markets, households of employers or children's own households;

(b) Circumstances of warfare and other forms of organized or large-scale violence: any situation of conflict or violence that jeopardizes children's safety and/or their physical, intellectual, moral or spiritual development. Related circumstances include forced migration; involuntary separation from the family; and recruitment of children into the armed forces, the militia and guerilla cadres, or organized crime networks or gangs;

(c) Circumstances of sexual abuse or exploitation: any sexual commerce involving children or youth (including trafficking, prostitution and pornography), or any use of children or young people for the non-commercial sexual gratification of adults, including concubinage or child marriage;

(d) Circumstances of disability: circumstances that lead to mental, physical or sensory impairments acquired in any way during, before or after birth, including those resulting from childhood illnesses such as vaccine-preventable diseases; those stemming from malnutrition caused by iodine or vitamin A deficiencies; and those caused by accidents, warfare or violence;

(e) Circumstances of temporary or permanent loss of family and/or primary caregivers: conditions of need resulting from the death or incapacity of family members, or from family breakdown caused by divorce, incarceration of a parent or caregiver, or separation;

(f) Circumstances of deficient laws and/or abusive legal and judicial processes: any legal or judicial process that does not respect children's rights as set forth in the Convention on the Rights of the Child, including systems that arbitrarily or improperly deprive children of liberty, fail to protect children from maltreatment or abuse by legal systems and law enforcement agencies, deprive children of identity due to a deficient or non-existent vital registration system, or allow the sale and trafficking of children and adoption that is not in the best interest of the child.

20. This attempt to categorize "especially difficult circumstances" affecting children shows that it is difficult to do so definitively. Children often are subjected to many difficult circumstances at once. The parentless child, for example, may labour in prostitution while being deprived of education and health care. Furthermore, certain sets of difficult circumstances reinforce others. For example, some types of servile employment make children vulnerable to sexual exploitation. A comprehensive analysis of specific situations and circumstances at national and local levels is required as a basis for the design of appropriate strategies.

21. The difficulty of estimating the numbers of children affected by any particular circumstance is a reflection of the deficiencies in understanding what data are needed and devising the best methods to collect it. It is also difficult to arrive at exact numbers because the circumstances that place children in need of special protection are often illegal and, therefore, hidden from public view, making them hard to uncover and research.

22. Estimates now widely used are inadequate because they are rarely disaggregated by age, although the age of the child in question is a key determinant of degree of risk, vulnerability, exploitation and potential

long-term damage. Where data on child prostitution are concerned, for example, the numbers of pre-pubertal, early adolescent and late adolescent children involved are rarely specified, leading to distorted perceptions of the nature of the phenomenon. Similarly, minimum age of entry to the formal workplace may be overemphasized when reporting on economic exploitation. It may be more important to assess the relative hazards presented by certain occupations to children of different ages, or to measure opportunities such as primary schooling that are lost to children at different ages. Statistics are also rarely disaggregated by sex, a fact that prevents better understanding of abusive practices based on gender discrimination, including the disproportionate neglect or abandonment of girl children.

23. Global estimates of numbers of children affected in various categories of circumstances should be treated with caution, but they are useful as indicators of the magnitude of the problem. ILO estimates that there are between 100 million and 200 million children world-wide engaged in disabling child labour. The State of the World's Children 1996 report estimates that during the 1980s, 12 million children became homeless, 4 million-5 million disabled and 1 million orphaned as a result of wars. In The Progress of Nations 1995, UNICEF states that "the number of under-18s involved in prostitution probably exceeds 2 million". The global estimate of children with disabilities reported by WHO is 120 million-150 million. WHO also estimates that 3 million children world-wide have lost one or both parents due to AIDS. Despite the usefulness of those rough global estimates, it should be underscored that the design of programme policies and strategies should be based on national and local research and analysis of both quantitative and qualitative information.

IV. PROGRAMMING AND ADVOCACY FOR SPECIAL CHILD PROTECTION

24. As explained in paragraph 5 above, the present review sets out policies and strategies for measures required to protect children who are subjected to or at risk of serious breaches of their rights. Children who require special protection measures are almost always at the same time deprived of most rights, such as health care, education, play and recreation, and participation. Special or additional measures to protect such children are best directed at enabling them to overcome the impediments imposed on them in order to gain access to the services and benefits to which all children are entitled.

25. Addressing those issues programmatically requires that the services provided for all children through regular programmes extend to reach children in especially difficult circumstances. At the same time, specifically targeted interventions for affected groups must be developed. There are parallels to be drawn with UNICEF policies towards women which involve both mainstreaming of the gender dimension within all programming and advocacy and affirmative action towards disadvantaged women and girls.

A. Situation analysis

26. The development of a UNICEF country programme of cooperation begins with a situation analysis. In some countries, including those at war or in severe economic crises, a high proportion of children may be in "especially difficult

circumstances". In such settings, a situation analysis must start with the threat to children posed by the widespread disruption of family life and/or the collapse of state and societal safety nets. An example of such an approach can be found in the 1994 Uganda situation analysis. There, special attention was paid to the situation of adolescents since their rates of pregnancy, HIV/AIDS infection, school drop-out, unemployment and excessive alcohol consumption demonstrated their heightened vulnerability (see "Equity and Vulnerability: A Situation Analysis of Women, Adolescents and Children in Uganda", 1994). For countries in a severe state of civil turmoil or political breakdown, standard situation analysis methodology may be inappropriate, and especially difficult circumstances may become the context of analysis rather than one variable within it.

27. The situation of women, particularly where a high proportion are heading households, are in servile and low-paid occupations, are widowed or abandoned, or have low literacy rates, relates directly and indirectly to the prevalence of children in especially difficult circumstances. It is necessary to include women, children, youth and families as active participants in any situation analysis and to take into consideration not only their vulnerabilities, but also their resourcefulness.

28. Within each main sectoral area - health, nutrition, education, water and sanitation, as well as urban basic services and emergency operations - it will be necessary to consider whether the existing structures and methods of programme delivery also reach children in especially difficult circumstances. This means "poverty mapping" and assessing the state and capacities of local physical, administrative and human infrastructures.

29. An assessment of risks and opportunities has to be undertaken to identify the ways in which hazardous circumstances are affecting children. Risks are associated with age, sex, family ties, and physical, emotional and social hazards in a child's situation. Facts about the deprivation of participatory rights and discrimination on the basis of race, religion or disability need to be captured. The inability of the State to meet its obligations to protect children by ensuring services and safety nets constitutes a risk in itself. The opportunities include all factors that play a role in protecting children's rights. These include: national laws and policies, and the institutional capacity for enforcing laws and policies; existing service coverage and performance; available financial and human resources; and the attitudes and values in society at large. Indeed, many of those factors also can be seen as risks; the challenge in programming is to turn the risks into opportunities. Analysis should be undertaken to identify the partners that exist within Government and civil society and to determine which partnerships will have to be developed. Potential partners include legislators, the judiciary, members of the legal profession, the police, research institutions, the media, NGOs, community-based organizations, religious bodies, employers and trade unions. States Party reports to the Committee on the Rights of the Child may provide a useful resource for this analysis.

30. Many of those issues are already being given more active consideration within sectoral approaches and by country offices. For example, the report on "UNICEF emergency operations" (E/ICEF/1995/5) includes several sections on

specific areas of special protection relating to children affected by emergencies, including unaccompanied children and those affected by internal displacement, land-mines or sanctions. The report on "UNICEF strategies in basic education" (E/ICEF/1995/16), submitted to the Executive Board at its annual session in May 1995, includes a brief section on "Education for children in especially difficult circumstances" (paragraphs 48-50). The change suggested here is that the especially difficult circumstance perspective be applied systematically and be fully integrated within all sectoral situation analyses.

B. Programme goals and objectives

31. The difficulty of setting overall goals and specific objectives vis-à-vis children in need of special protection measures, as the discussion above shows, is due mainly to the lack of a conceptual framework and, consequently, to a shortage of adequate data. The difficulty is illustrated by the vagueness of the goal set by the World Summit for Children: "Protection of children in especially difficult circumstances, particularly in situations of armed conflict" (see the World Declaration and Plan of Action from the World Summit for Children). In order to expand the protection of children, the circumstances of special disadvantage that pertain in a given setting must first be defined. Programme goals and objectives in relation to special protection measures have to be derived from that setting. This process can only take place at the country level or, in some cases, at the district or municipal level.

32. The main criterion for setting goals for children in conditions of special disadvantage is to protect children and young people whose best interests and whose physical, intellectual, psychological and emotional security are threatened by others, through acts of commission and omission. The goals should be defined in a way that recognizes the primary obligation of parents and families towards children; the need and possibilities for the community and the civil society to participate and contribute; and state obligation to assist parents in meeting their own responsibilities as well as towards children who have been failed by their parents and families.

33. Objectives might include the elimination of the "difficult circumstances" (e.g., land-mine clearance or reform of laws that allow youngsters to be victimized or deprived of parental care) and the reduction of risks or hazards implicit in the "difficult circumstances" (e.g., reduction of drug and alcohol availability, making child care institutions more humane or reducing female illiteracy). Some objectives may focus on the children and young people in question rather than to the "difficult circumstances" themselves. These might include removal of all children from the "difficult circumstances" (e.g., from adult prisons, or from camps for boy soldiers); removal of all children under a certain age from the "difficult circumstances" (e.g., formal employment, or places of night-time entertainment); or reduction in the number of children at risk from the "difficult circumstances" (e.g., improvement of school retention rates, increases in the numbers of children with disabilities who attend school, or an increase in the legal minimum marriage age).

C. Programme strategies

Key principles underlying programme strategies

34. The overall programme experience of UNICEF, combined with the lessons learned from working with children in especially difficult circumstances (see paragraphs 13-14 above), indicate that six key principles must be incorporated into all programme strategies:

(a) Programmatic activity, review and development of policies, capacity-building, advocacy, and legislative and institutional reform on behalf of children in especially difficult circumstances are part of one continuum, and any strategy for protection must encompass all elements;

(b) The selection of programme components and the emphasis to be apportioned to each must derive from the situation analysis on the ground, and should not be prescriptive or predetermined at a different level of the organization;

(c) Children themselves should have an active role in designing and implementing programmes; children's resilience and resourcefulness should be valued, and their participation rights should be recognized;

(d) Programmatic activity should be cross-sectoral and multi-pronged;

(e) Partnerships at all levels, including international, national, subnational and community levels, are critical;

(f) All approaches adopted should be non-discriminatory and should respect "the best interests of the child".

35. As noted in paragraph 30 above, special protection measures have to be integrated into the mainstream of social programmes for children; in addition, specific activities for particular groups of children in special disadvantage are often necessary. Programming strategies also vary according to whether they are essentially preventive or rehabilitative. Four different levels of potential action can be considered: (a) prevention of especially difficult circumstances; (b) reduction of risk for the especially vulnerable and those with impairments, or "secondary prevention"; (c) compensatory support for groups of especially disadvantaged children whose situation is fluid or whose emergency circumstances can be relieved; and (d) rehabilitation for children with conditions of permanent disability. Preventive measures (subparagraphs (a) and (b) above) are usually approached through mainstreaming, whereas compensatory and rehabilitative measures require additional programme strategies. However, the separations between preventive and rehabilitative measures do not apply strictly, as is shown below.

Mainstreaming

36. This strategy incorporates special protection concerns into existing programmatic frameworks. This requires adjusting or tailoring existing programmes to ensure that situations of special disadvantage are considered and

that programming includes groups of children in especially difficult circumstances, such as hard-to-reach children, child labourers or displaced children. The objectives of adjusting existing programmes are both preventive and rehabilitative. Many country programmes already have developed such strategies. For example, the area-based subregional programme for the Andean region in Bolivia targets geographical areas of extreme poverty and links them with community organizations that provide basic services and assist with income generation. The new challenge is to perform a systematic review of all sectors to ensure that consideration of especially difficult circumstances is fully incorporated into the process of programme development.

Targeted activities (preventive)

37. This strategy is specifically designed to prevent children at risk from becoming more vulnerable to special disadvantage. Urban basic services programmes designed to reach especially disadvantaged families, women, children and youth are preventive in both the primary (the main child population) and secondary (specially vulnerable) sense. The 35,000 schools run by the Bangladesh Rural Advancement Committee (BRAC) to provide basic education for very poor children - especially girls in age-groups 8-10 and 11-16 years - represent a preventive approach (see Primary Education for All: Learning from the BRAC Experience, Academy for Educational Development, 1993). Another example is the Daughters Education Programme in Thailand, which aims to prevent girls from leaving their rural communities for entertainment industry jobs in urban areas.

Targeted activities (compensatory)

38. This strategy is intended to provide compensatory support for children in situations where the damage they have suffered may not be permanent. Many emergency-related programmes fall into this group, including those that provide psycho-social counselling for children affected by war, those that reunite children with their families following separation, and those that reintegrate child soldiers into society. Many urban basic services programmes contain rehabilitative components. For example, the urban basic services programme in the Philippines provides scholarships for out-of-school youth. Some compensatory support programmes also may include preventive elements. For example, the Education for Conflict Resolution programme in Sri Lankan schools promotes the idea of taking the "middle path" between extremes of aggression and passivity. In the context of disability, the appropriate strategies are the prevention of the descent from impairment to disability, and the creation of space within mainstream services for children with disabilities.

Targeted activities (rehabilitation)

39. Rehabilitation is needed for children in situations of permanent or near-permanent difficulty. Such circumstances would include disability, mental impairment from drugs and alcohol abuse, absence of families or effective ties, criminal behaviour and persistent conflicts with the law. Rehabilitation programmes designed to deal with such situations often require one-on-one casework by social welfare officers and religious or charitable workers. Strategic responses include humanizing institutions and alternative care

arrangements; locating foster parents for children orphaned by warfare and AIDS or abandoned by families or caregivers; and providing community-based services for the rehabilitation of children with disabilities.

40. When considering programme and advocacy actions in relation to specific categories of disadvantage, it is important to avoid prescriptive or predetermined approaches, either for the whole group, such as all child labourers, or for subgroups within the whole. In order to respond to the "best interests of the child", the appropriate approach is to develop a check-list of strategic options and select them on the basis of a careful diagnosis of the specific situation. Common responses include the expansion of educational opportunities; support services for families, especially income generation for women; legislative review; institutional reform; affirmative action on behalf of girls; and advocacy to change the attitudes of society and officials. Programme actions that may generally be appropriate for different categories of circumstances are illustrated in the figure below.

ILLUSTRATION OF PROGRAMME ACTIONS IN DIFFERENT CIRCUMSTANCES

In order to respond to the "best interests of the child", the appropriate approach is to develop a check-list of strategic options and select a combination of measures on the basis of careful analysis of the specific situation. The following are examples of preventive or remedial actions that can be taken in different circumstances:

(a) Child labour and other forms of economic exploitation of children: expanding schooling opportunities, either by "time off" to attend regular school or by providing schooling in the work place; providing support services, including income generation, to parents, especially mothers; promoting stricter law enforcement against traffickers and those who "bond" child labour; providing services for children working on the streets; raising the age of marriage; and changing cultural values and social norms tolerant of economic exploitation of children;

(b) Warfare and other forms of organized or large-scale violence: land-mine clearance and land-mine awareness programmes; reducing the prospects of internal migration and family separation, for example, by negotiating "corridors of peace"; providing training to teachers and social workers on trauma reduction; and developing prosthetics programmes for children with disabilities;

(c) Sexual abuse and exploitation of children: supporting legal measures and their enforcement; increasing the opportunities for girls to attend and stay in school; providing abused and exploited children with information about reducing their risks of HIV; developing parents' and communities' appreciation of the risks to their children of employment in certain occupations; enlisting the cooperation of employers in the entertainment industry to enforce the law on under-age employment in bars and night-clubs; setting up hot-lines for children suffering from abuse; and raising the age of marriage;

(d) Childhood disability: community-based prevention and rehabilitation; early detection of impairment and intervention to avoid progression to disability; design of facilities and amenities from which children with disabilities are not excluded; inclusion of children with disabilities in school; development of low-cost, durable prosthetics; and land-mine clearance and land-mine awareness programmes;

(e) Temporary or permanent loss of family or primary caregivers: promoting family- and community-based foster care; providing support services, including income generation, to families and communities providing such care; providing services such as health care and basic education specifically for children living on the street; reviewing adoption laws; setting up services for tracing families; and promoting the humanization of institutions;

(f) Deficiencies in law, its enforcement and judicial processes: supporting juvenile justice reforms; training of judicial and law enforcement officials; providing services for children working on the streets; promoting the humanization of institutions; and changing negative stereotypes about children leading lives in conflict with the law.

D. Programming and advocacy at the country level

41. The range of programme strategies and actions described above has to be adapted as a coherent package in a country setting. As in other areas, the scope of UNICEF work in protecting children who are at special disadvantage will vary from country to country depending on the magnitude of the problems and needs, the UNICEF comparative advantage and the actions of other partners and allies. The following are particularly relevant considerations when designing the appropriate package of programme responses.

Catalytic actions

42. UNICEF alone cannot make a significant difference for children in especially difficult circumstances. Its role is to bring about catalytic and strategic actions to support and strengthen the policies, plans and resolve of various national actors. Appropriate partners for this purpose will be government authorities at different levels, NGOs, research and training institutions, community groups, media, business and other external donors. The situations in which UNICEF is most able to take catalytic actions for children in especially difficult circumstances are those where the organization is already deeply engaged in such programme areas as urban basic services, emergency operations, basic education, adolescent health, women in development and AIDS prevention and control.

Research

43. Research, and the development of tools for research, should be seen as parts of the necessary range of generic actions needed for improved child protection. Little is known about some categories of especially difficult circumstances; for example, research is needed to better understand the conditions of children working in agriculture and in such "invisible" occupations as domestic service, accommodation and catering. Childhood mental and multiple disabilities also are under-researched, and surprisingly little is known about the situations of children in institutions. Because it may be very difficult to research some circumstances unless the study is conducted within the context of existing programme activities, programming may be a prerequisite to certain types of serious research.

44. Children's downward progression from circumstances that place them at risk into more permanent conditions of special disadvantage also has received inadequate attention. For example, only anecdotal evidence exists about the links between child work on the street and the tendency towards criminal behaviours, or about "push" and "pull" factors leading teenagers in certain settings to become the victims of sexual exploitation.

45. Research institutes, statistical bureaux and NGOs are important partners which can fill gaps in the current knowledge of UNICEF about children at special disadvantage and their circumstances. National survey and census organizations can be supported to include child-centred data in their collection systems. It is very important that local organizations take the primary role in such research and that the children and young people involved participate. NGOs and community organizations should be supported and commissioned to undertake

surveys and studies that emphasize action-oriented research and participatory techniques.

Creation of non-governmental organization networks

46. Most front-line work with children in especially difficult circumstances is performed by NGOs and community-based organizations, some of which are very small. Such organizations are often created by caring individuals in response to conspicuous problems of human suffering, and they receive initial funding from charitable, religious or welfare bodies. UNICEF has developed many new ways of working with such NGOs and community-based organizations to help them pool skills, enhance their capacities and, in particular, to interact with government officials and municipal authorities. In Calcutta, UNICEF has helped NGOs working with street children to develop an inventory of their services, operate referral services and run joint activities. In Bangladesh, UNICEF helped set up a Child Rights Forum for joint NGO research and action on children in especially difficult circumstances. In Cambodia, a Child Welfare Group composed of local and international NGOs was promoted and now has functioning subcommittees on street children, homeless women, sexually-exploited and trafficked children, and child rights.

Promotion of self-expression among children and youth

47. Within the networks and the joint efforts already described, UNICEF can support activities that permit children and youth to articulate their own views and concerns regarding their difficult circumstances. This may mean encouraging cultural activities such as theatre, singing, festivals and exhibitions mounted by schools and youth groups. Opportunities to advocate for their own cause also may be facilitated, for example, by support to their involvement in "children's days", carnivals and sporting competitions, and by promoting children's involvement in such initiatives as "Mayors as Defenders of Children" (an international UNICEF-supported initiative) and "Teachers, Defenders of Children" (a programme in Thailand).

Advocacy

48. Advocacy has a special historical role in the area of CEDC. Media reports on and exposés of child abuse and exploitation are one means of applying the pressure required to end abuse and exploitation, influence public policy and change attitudes in the society at large. However, all advocacy must be based on research at the country or subcountry level, and it must reflect an understanding of the specific circumstances of vulnerability and hazards for children. It is inappropriate to attempt to advocate without properly researched knowledge on the children in question. All advocacy must be conducted in such a way that the situation of the children at risk is enhanced rather than further impaired. For example, ill-considered protests against child labour may lead to a situation in which children are removed from work, but thrown into far worse states of destitution. Likewise, thoughtless messages that imply connections between abusive or exploitative circumstances and particular ethnic or religious groups or persons with particular disabilities may reinforce negative stereotypes about members of those minority groups and add to their stigmatization and exclusion.

49. The development and design of programme actions should draw on the experience of ongoing efforts in many countries. For example UNICEF work on child rights in Brazil over the past 15 years provides useful lessons. Most recently, UNICEF has backed a national campaign in Brazil to address the problem of youth and child prostitution through television commercials, school-based activities and hotlines. In Rwanda, UNICEF has provided legal representation for children who are in prison on charges of genocide. In Burundi, UNICEF joined partners at an early stage of the current civil turmoil to develop a programme that would assist unaccompanied children. In Bangladesh, UNICEF and ILO, working with the Government, helped to influence the circumstances of some of the young people employed in the private sector by negotiating an agreement with the Bangladesh Garment Manufacturers and Exporters Association.

E. Supportive actions at regional and global levels

50. Maintaining close links and improving the mechanisms that allow for collaboration with other relevant international bodies is a necessity for UNICEF. Those bodies include the Committee on the Rights of the Child; the United Nations Human Rights Commission; the United Nations Centre for Human Rights; ILO and its International Programme for the Elimination of Child Labour; UNESCO (on issues of educational deprivation and the cultural environment for the fulfilment of children's rights); UNHCR and the International Committee of the Red Cross (on issues of children affected by organized violence and forced migration); WHO (regarding the impact of specific circumstances on child health); and the Joint United Nations Programme on HIV/AIDS. The list also includes the leading international NGOs within the NGO Group for the Convention on the Rights of the Child, some of which have taken a lead in developing research methodologies and advocacy approaches for certain categories of childhood disadvantage. Examples of important initiatives, among many others, are Radda Barnen's work on sexual exploitation and the work of Anti-Slavery International with child domestics. These efforts should be supported and expanded in the expectation that they will generate new types of programmatic interventions, better targeted to children and families, "significant others" such as employers, and the wider society.

51. It is not uncommon for different viewpoints on a particular circumstance to be held by countries within the same region. One country, for example, may opt for strict legal abolition of a type of child work, while another country's different socio-economic and cultural situation may lead it to favour a policy of risk reduction. Both positions may be defensible within their specific contexts. Sometimes, on particularly sensitive issues, when country-level advocacy is not possible, the issue can be raised at the regional level; for example, trafficking of girls in parts of South Asia.

52. It is necessary to have materials and information available about children in conditions of special disadvantage. However, it is critical that information, fund-raising and advocacy materials for use at the international level be fully cognizant of the diversity and complexity of country situations. International advocacy positions must not be hijacked or subverted to protect multinational industry interests, to promote a particular image for an organization or donor, or to scapegoat certain developing country Governments and cultures. Furthermore, the principle of "the best interests of the child"

should govern the elaboration of all international advocacy positions regarding children in especially difficult circumstances.

F. Monitoring and evaluation

53. To assess the situation of children in circumstances of special disadvantage and to design programmes, both quantitative and qualitative data are necessary. Much useful data can be drawn from existing censuses and household surveys. This information can be supplemented by sample surveys and sentinel site surveys. However, bearing in mind that children and young people themselves must be a primary source, in-depth qualitative information on circumstances of disadvantage usually requires small-scale, in-depth enquiries. Effective monitoring also requires two approaches: that which measures change in the degree of disadvantage affecting children and that which assesses progress in the implementation of programmes and measures their effectiveness.

54. Some country programmes, notably in the Philippines, Thailand, the United Republic of Tanzania and Zimbabwe, have developed systems of community-level data collection and monitoring for child survival and development programmes. These systems also can be used to generate information relevant to special protection needs and measures. Participatory systems involving at-risk families and children have become much more widely used in social development planning in recent years, and they also can be an empowering experience for those involved.

55. Registration at birth that gives the child a name, identity and nationality is of vital importance for the monitoring of the situation of children in need of special protection. Proof of a child's age is vital, for example, when legal action is required in cases of child abuse, sexual exploitation, conflict with the law, under-age employment or detention in penal institutions.

56. The improvement of monitoring and evaluation at the country level can be facilitated by activity at regional and international levels. Specific actions include establishing common principles for the development of monitoring and evaluation systems; sharing information on methodological techniques; standardizing terminology; and exploring ways to cross-cut monitoring in established fields (health, education, nutrition, etc.) against monitoring in child protection areas. Work should continue with the Committee on the Rights of the Child to collaborate in the monitoring and evaluation of national efforts to protect children at special disadvantage.

V. ORGANIZATIONAL IMPLICATIONS FOR UNICEF

57. A sense of changing priorities is reinforced by the importance now attached by UNICEF to the general protection of childhood according to principles and standards established by the Convention on the Rights of the Child, complemented by special protection measures. Children in especially difficult circumstances are among the most vulnerable, and in many of the countries now undergoing political upheaval or economic transition, they represent the majority group. This reality of the child's situation calls for multifaceted programme initiatives that address the situation holistically,

always with the goal of restoring the child's right to a more normal life, envisioned for all children by the Convention.

58. In order to put into practice the new thinking elaborated in the present policy review and the actions it should precipitate, organizational capacities and human and financial resources will have to be enhanced for the following purposes:

(a) To improve skills for analysis, for the design of appropriate programme interventions, for advocacy, and for monitoring and evaluation of child protection programmes;

(b) To develop a resource base of expertise to promote the development of legislation and the strengthening of law enforcement and judicial processes, and to enhance support for national efforts to harmonize legislation with the Convention on the Rights of the Child;

(c) To develop critically needed additional technical capacity to ensure the protection of children in emergencies, including children affected by organized violence, by outgrowths of war such as sanctions and blockades, and by circumstances that deprive them of services normally provided by state institutions.

59. Increased attention to child protection issues will require stronger organizational capacity at both regional and country levels, including the designation of focal points and additional staff. UNICEF strength in conventional programming areas provides a solid base, but many gaps remain to be filled before programming adequately addresses protection issues in every country. For industrialized countries and those that are in transition, standard programming skills may be less necessary than expertise in key advisory functions, including data collection, monitoring, institutional reform, social marketing and legislative reform.

60. The capacity to undertake the following activities should be enhanced within the organization, particularly at regional and country levels: training and orientation of staff to the especially difficult circumstance perspective and in programming and advocacy strategies; the establishment of technical teams on issues such as methodologies for research and monitoring and evaluation frameworks; the establishment of a UNICEF resource network, including key NGOs and technical experts; the promotion of inter-organizational technical support groups in key programming areas to disseminate valuable case study experience within and outside UNICEF; and the creation of an effective information network for systematic intercountry exchanges of experience and "best practice".

61. Mechanisms that exist to enable the UNICEF programme, policy and external relations functions to collaborate effectively in the area of child protection need to be strengthened further. A helpful step would be to compile an inventory of technical needs and resources with assistance from UNICEF programme and policy sections, external relations divisions, country and regional offices, and National Committees.

62. Flexibility is necessary at all levels of the organization, as is recognition that UNICEF programming and advocacy in the area of child protection are still in a stage of development.

VI. RECOMMENDATION

63. The Executive Director recommends that the Executive Board adopt the following draft decision:

The Executive Board,

Having considered the review of UNICEF policies and strategies on child protection (E/ICEF/1996/14), 1/

1. Endorses the perspective, policies and strategies presented in the document regarding measures to protect children in circumstances of, or at risk of, gross exploitation, abuse, abandonment and other forms of special disadvantage, emphasizing that the protection measures should be implemented within the framework of the rights of children;

2. Requests the Executive Director to take the necessary steps to enhance UNICEF capacities so as to give a higher profile within UNICEF programmes to the protection of children exposed to extreme hazards and risks, as well as to strengthen UNICEF partnerships with agencies of the United Nations system, NGOs, and others who are active in issues of child protection.

1/ The present policy review was supported by the following documents: "Overview: children in especially difficult circumstances" (E/ICEF/1986/L.6); "Children in situations of armed conflict" (E/ICEF/1986/CRP.2); "Exploitation of working children and street children" (E/ICEF/1986/CRP.3); and "Child abuse and neglect in a global perspective" (E/ICEF/1986/CRP.4).

Annex

THE COMMITTEE ON THE RIGHTS OF THE CHILD

1. The Committee on the Rights of the Child is the body mandated to monitor implementation of the Convention on the Rights of the Child at the international level, under the terms of Article 43 of the Convention. It is comprised of 10 experts, elected in their individual capacities rather than as voices of the countries of which they are citizens. Their backgrounds include such disciplines and expertise as law, medicine, politics, journalism, development assistance and social work.

2. States Parties to the Convention are obliged to submit an initial report on progress towards implementation two years after ratification and every five years thereafter, as laid down in Article 44 of the Convention. These reports are prepared according to guidelines established by the Committee in October 1991 (Convention/C/5). These cover all aspects of the situation of children in the country, including legislative and administrative measures, data, provision of services, etc. With regard to exploitation or abuse of children and other "difficult circumstances" - as expressed in the special protection provisions - the Committee describes actions taken to promote protection rights as "special protection measures". Such descriptors are open to reinterpretation; the operational and intellectual handling of the Convention are still in an experimental phase.

3. Following review of submitted reports, on which the Committee frequently seeks the views of the NGO community (via the NGO Group for the Convention on the Rights of the Child), the Committee meets with representatives of the States Parties in Geneva to discuss the report. This is followed by the preparation of Concluding Observations. Recommendations concerning special protection range from legal reform, to administrative measures, training and improved monitoring. Governments are recommended to seek support from UNICEF, the Centre for Human Rights, other donors and international NGOs in putting these recommendations into effect. The Observations also provide a framework for further research in relevant areas and can serve as an agenda for action by UNICEF and other organizations concerned with the well-being of children.

4. Additionally, the Committee holds yearly thematic discussions on priority issues with the involvement of UNICEF, other United Nations agencies and NGOs. In the past, discussions on the economic exploitation of children, children in armed conflict, the role of the family and juvenile justice have taken place with subsequent recommendations.